

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Sophia Wilansky,

Plaintiff,

vs.

Morton County, North Dakota;
Kyle Kirchmeier, in his official capacity;
Adam J. Dvorak in his personal capacity;
Jonathan R. Moll in his personal capacity,

Defendants.

**MOTION TO DISMISS SECOND
AMENDED COMPLAINT**

Case No. 1:18-cv-00236

State Defendant Adam Dvorak of the North Dakota Highway Patrol moves this Court under Fed. R. Civ. P. 12(b)(6) for an order dismissing Plaintiff's claims against him as set forth in Plaintiff's Second Amended Complaint. This motion is made to assist the Court in securing "the just, speedy, and inexpensive determination" of this action. Fed. R. Civ. P. 1. This motion is supported by the attached memorandum and all documents on file with this Court, and is made on the grounds that the Complaint fails to state claims against the State Defendant and is barred by qualified immunity, as more fully set forth in the attached memorandum. Defendant Dvorak respectfully asks that this Court grant his motion and dismiss all claims against him.

Dated this 18th day of August, 2023.

State of North Dakota
Drew H. Wrigley
Attorney General

By: /s/ Jane G. Sportiello
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